REMARKS

The specification and claims 1, 3, 5, 8, 9, 13, 16, 18, 20, 22, 23, 25, 28, 31, and 32 have been amended. Claims 2, 12, and 29 have been canceled. Thus, claims 1, 3-11, 13-28, and 30-32 remain pending in the case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Objection to the Claims

Claims 8 and 28 were objected for informalities. In particular, claims 8 and 28 were objected to for reciting a limitation which was unclear. To expedite prosecution, claims 8 and 28 have been amended in a manner that addresses the concerns expressed in the Office Action. Accordingly, removal of this objection is respectfully requested.

Section 102 Rejections

Claims 1-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,987,376 to Olsen et al. (hereinafter "Olsen"). In addition, claims 1-32 were also rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,748,420 to Quatrano et al. (hereinafter "Quatrano"); however, explanation for the current rejection was only provided for claims 1-3. The standard for "anticipation" is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Olsen and Quatrano do not disclose all limitations of the currently pending claims, some distinctive limitations of which are set forth in more detail below.

Olsen and Quatrano each fail to anticipate a method for establishing a computer-based communications session, where the method includes determining the availability of a potential participant in the communications session, and where the step of determining comprises retrieving availability information for the potential participant from a data structure. Amended independent claim 1 recites in part:

> A method of establishing a computer-based communications session involving a user of a computer, said method comprising: determining the availability of a potential participant in the communications session, wherein said determining comprises retrieving availability information for the participant from a data structure...

Amended independent claims 13 (a system), 19 (a computer-usable carrier medium), 23 (a computer-usable carrier medium), and 28 (a method) also recite limitations on determining the availability of a potential participant in a communications session.

One of the objectives of the presently claimed case is "to develop a way to make it convenient for participants in computer-based communications to select the most appropriate communications application." (Specification, page 3, lines 19-21). To help achieve this objective, the presently claimed case provides systems and methods for determining the availability of potential participants for a communications session. In some embodiments, participant availability may be determined by retrieving availability information for the potential participant from a data structure, which stores such information. For example, and as shown in Fig. 3 of the present application, availability information retrieved from a data structure may indicate whether a user is available for communication using email (e.g., yes) or instant messaging (e.g., no). *See*, e.g., Specification, page 2, lines 18-30 and page 17, lines 15-27.

Unlike the presently claimed case, Olsen and Quatrano are not concerned with conducting a computer-based communications session using the most appropriate communications application, nor are they interested in determining the availability of potential participants in the communications session. As such, Olsen and Quatrano cannot be relied upon to teach or suggest that participant availability may be determined by retrieving availability information from a data structure.

Olsen discloses "a system and method for implementing an efficient, network based, distributed processing environment that is capable of hosting an application session in which multiple application clients participate." (Olsen, column 3, lines 64-67). For example, Olsen discloses that "an 'application session' is invoked by a host client. The host client admits new network connected clients (i.e., a computer executing the particular application) into the application session, and is also responsible for insuring that a shared set of application data is properly distributed amongst each of the application clients." (Olsen, column 2, line 64 to column 3, line 3). The system and method of Olsen is described in the context of a computer game application, such that the host client is responsible for admitting new clients (e.g., game participants) into the computer game session and ensuring that each participant receives up-to-date gaming

information by synchronizing the exchange of application data between the networked clients. (*See*, e.g., Olsen, column 6, lines 1-23).

Statements in the Office Action suggest that Olsen provides teaching for the presently claimed limitation of "determining the availability of a potential participant in the communications session" (Office Action, page 3). In particular, the Examiner suggests that in "col. 6, lines 1-15, Olsen teaches application data that reflects the current state of the session, including current participants" (Office Action, page 3). The Examiner also suggests that "Olsen discloses... said determining comprises retrieving availability information for the participant from a data structure (Olsen, col. 7, lines 45-60)" (Office Action, page 3). The Applicant disagrees. As described in more detail below, the application data disclosed by Olsen is not used to determine the availability of a potential participant in a communications session, as recited in present claims 1, 13, 19, 23 and 28.

In column 6, lines 1-15, Olsen discloses that each of the clients may have access to some type of data storage, upon which is stored application data. In the context of a computer game application, Olsen discloses that the application data may include "data that reflects the current state of the game, such as identification of current player/participants and their respective locations, player positions within the game environment, player scores/standings, player characteristics, game environment characteristics, etc." However, application data that reflects the current state of the game does not and cannot be used to determine the availability of a potential participant in the game. In other words, the application data disclosed by Olsen is not equivalent to the availability information, which the presently claimed case stores in a data structure, so that such information may be later retrieved to determine the availability of a potential participant in a communications session. Olsen simply fails to disclose any means for "determining the availability of a potential participant in a communications session", and therefore, cannot be relied upon to anticipate all limitations of present claims 1, 13, 19, 23, and 28.

With regard to present claim 1, statements in the Office Action further suggest that teaching for the presently claimed limitation of "determining the availability of a potential participant in the communications session" can be found in Quatrano. For example, the Examiner suggests that in column 5, lines 55-57, "Quantrano [sic] discloses creating shared session identification information for sessions including multiple users" (Office Action, page 10). However, and as described in more detail below, the shared session identification information of Quatrano is not used for determining the availability of a potential participant in the communications sessions, as recited in present claims 1, 13, 19, 23 and 28.

In the above-mentioned passage cited by the Examiner, Quatrano discloses a system that "provides the shared session between the web server and the application by creating shared session identification information which can include, for example, shared session cookies as well as shared session participant identification information for each participant computer user who accesses the application via the shared session." (Quatrano, column 5, lines 55-61). Therefore, like Olsen, the shared session information of Quatrano includes participant identification information for users currently accessing the application via the shared session. The shared session information of Quatrano does not, however, include information that may be used to determine the availability of a potential participant in the shared session. Since Quatrano fails to determine the availability of potential participants, Quatrano cannot be relied upon to determine such availability by retrieving availability information for potential participants from a data structure. As a consequence, Quatrano cannot be relied upon to anticipate all limitations of present claims 1, 13, 19, 23 and 28.

Olsen and Quatrano each fail to anticipate a method that obtains user (or participant) identifiers for identifying the user to each of a plurality of dissimilar communications applications available for use in a communications session. Amended independent claim 9 recites:

> A method of configuring computer-based communication, said method comprising:
> obtaining availability information indicating the availability of a user of the computer for communication using each of a plurality of dissimilar communications applications; and
> obtaining respective user identifiers effective to identify the user to each of the plurality of dissimilar communications applications.

The presently claimed case provides a system, computer-usable carrier medium and method for establishing a computer-based communications session, where the method includes obtaining availability information indicating the availability of a user of the computer for communication using each of a plurality of dissimilar communications applications. In one embodiment, the plurality of dissimilar communications applications may be selected from "any of various application programs implementing computer-based communications techniques such as email, instant messaging, IP telephone, file transfer protocol (FTP), and so forth." (Specification, page 15, lines 4-7).

Unlike the presently claimed case, Olsen and Quatrano fail to even disclose the possibility of communicating via more than one communications application. However, statements in the Office Action suggest that teaching for the presently claimed step of "obtaining respective user identifiers effective to

identify the user to each of the multiple communication applications" can be found in column 6, lines 50-55 of Olsen. The Applicant respectfully disagrees, for at least the reasons set forth in more detail below.

In column 6, lines 50-55, Olsen discloses that the host client is responsible for controlling the admission of new clients into the application session and for allocating unique identifiers to all clients admitted into the application session. As discussed further in column 7, lines 47-50, the "unique identifiers" of Olsen are assigned to each client participating in the application session (e.g., a computer game session). However, unlike the presently claimed case, Olsen does not teach or suggest that a plurality of dissimilar communications applications (e.g., email, instant messaging, IP telephone, FTP, etc.) may be available for use in a communications session. Therefore, even though Olsen may provide teaching for a "user identifier", the "user identifier" of Olsen cannot be used to identify the user (or client) to each one of a plurality of dissimilar communications applications. As a consequence, Olsen fails to anticipate all limitations of present claim 9.

Though the Examiner fails to provide specific evidence of teaching within Quatrano for the aforementioned limitations of present claim 9, Applicant's assert that Quatrano cannot be relied upon to provide such teaching. For example, Quatrano discloses "systems, methods and computer system arrangements for providing participant access to an application via a shared session." (Quatrano, column 6, lines 40-42). However, like Olsen, Quatrano fails to mention that a plurality of dissimilar communications applications (e.g., email, instant messaging, IP telephone, FTP, etc.) may be available for use in the shared session. Therefore, Quatrano cannot provide teaching or suggestion for the presently claimed limitation of obtaining user identifiers for identifying the user to each one of a plurality of dissimilar communications applications. As a consequence, Quatrano simply fails to anticipate all limitations of present claim 9.

Olsen and Quatrano fail to anticipate a system including a means for displaying participant availability information on a display screen, wherein the participant availability information indicates the availability of a potential participant for each of a plurality of dissimilar communications applications. Amended independent claim 13 recites:

> A system for computer-based communication, said system comprising: a display screen; means for determining the availability of a potential participant in a computer-based communications session; and means for, according to the determined availability, displaying participant availability information on the display screen, wherein the displayed information indicates the availability of the potential participant for communication using each of a plurality of dissimilar communications applications available for use in the communications session.

As noted above, Olsen and Quatrano each fail to even disclose the possibility for using a plurality of dissimilar communications applications in a communications session. In addition, Olsen and Quatrano fail to disclose a means for determining the availability of a potential participant in a communications session. For at least these reasons, Olsen and Quatrano cannot be relied upon to provide teaching or suggestion for displaying participant availability information on a display screen, where the participant availability information indicates the availability of a potential participant for each of a plurality of dissimilar communications applications. As a consequence, Olsen and Quatrano fail to anticipate all limitations of present claim 13.

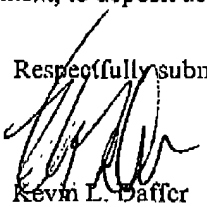
For at least the reasons set forth above, Olsen and Quatrano fail to anticipate all limitations of independent claims 1, 9, 13, 19, 23, and 28. Therefore, claims 1, 9, 13, 19, 23 and 28, and all claims dependent therefrom, are asserted to be patentably distinct over the cited art. Accordingly, removal of this rejection is respectfully requested.

CONCLUSION

This response constitutes a complete response to all issues raised in the Office Action mailed November 4, 2004. In view of the remarks traversing rejections, Applicants assert that pending claims 1, 3-11, 13-28, and 30-32 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned attorney earnestly requests a telephone conference.

No fees are required for filing this amendment; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to deposit account number 09-0447.

Respectfully submitted,



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